

§ 70.510 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise exposure survey conducted in accordance with § 70.509 show that any miner in the active workings of the mine is exposed to noise levels which exceed the permissible noise levels prescribed in Table I, the Secretary shall issue a notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a Notice of Violation issued pursuant to paragraph (a) of this section, the operator shall:

(1) Institute promptly administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of any Notice of Violation of this subpart, submit for approval to a joint Mine Safety and Health Administration-Health and Human Services committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

- (i) Reducing environmental noise levels;
- (ii) Personal ear protective devices to be made available to the miners;
- (iii) Preemployment and periodic audiograms.

(3) Plans required under paragraph (b) (2) of this section shall be submitted to:

Administrator, Coal Mine Health and Safety,
Mine Safety and Health Administration,
Department of Labor, 4015 Wilson Boulevard,
Arlington, Va. 22203.

TABLE I—PERMISSIBLE NOISE EXPOSURES

Duration per day (hours)	Noise level (dBA)
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
¾	107
½	110
¼ or less	115

FIGURE 1—COAL MINE NOISE DATA REPORT

(SUBMIT ONE FORM FOR EACH MINER)

Date: _____ (month) _____ (day) _____ (year)

Company: _____ Mine Name _____

Mine I.D. number: _____

Section/Pit number: _____

Miners name: _____

Miners SSN: _____

Occupation code: _____

Initial _____ Periodic _____ Supplemental _____

Hearing protective device used:

Yes ____ No ____ If yes "R" value _____

Equipment in operation:

Manufacturer _____

Type _____

Model number _____

Serial or company number _____

Dosimeter reading: _____

Measurement time (In minutes): _____

Operations (Loading, tramping, etc.)	Noise level dBA average	Minutes exposure

Signature of qualified person:

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

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§ 70.511 Incorporation by reference.

In accordance with 5 U.S.C. 552(a)(1), the technical publication, "Specification for Sound Level Meters", S1.4-1971 (Type S2A), issued by the American National Standards Institute (ANSI), April 27, 1971, referenced in this subpart F is hereby incorporated by reference and made a part hereof. The incorporated technical publication is available for examination at MSHA, 4015 Wilson Blvd., Arlington, Va. 22203; the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20857; each Coal Mine